

Informing Families

Building Trust

A Partnership for Better Communication
on Developmental Disability Issues in Washington State

Guardianship Overview: Part Two

Note: The following information is intended to give an overview of guardianship in Washington State. It is for educational purposes only and is not a substitute for legal advice. For advice on making legal decisions, please seek the assistance of an attorney.

GUARDIANSHIP PROCESS

1. Training for Non-Professional (Lay) Guardians

Before a family member or other non-professional can petition the court for guardianship, s/he must complete a free online training that covers guardianship duties and responsibilities, forms and timelines. The training is very easy, and can be done in one sitting (about two hours for most people) or in several sessions, moving at your own pace. Keep the declaration of completion (from the training) to show the court (that is, if you choose to petition for guardianship after going through the training).



2. Petitioning the Court

Any person seeking guardianship must file a petition with the Superior Court. After completing the training, you can then petition court for the type of guardianship you feel is necessary and appropriate. Forms for petitioning for guardianship may be found here. The petition asks the court to determine that the person identified in the petition is incapacitated, and to appoint a guardian. Notice of the guardianship petition is given to the person identified in the petition.

3. Guardian Ad Litem Appointed by the Court

Once a petition to court is made, a guardian ad litem is appointed to investigate and report to the court.

4. A Hearing is Held

A hearing is held and if the petitioner is appointed by the court to serve as guardian, letters of guardianship are obtained.

5. Letters of Guardianship

This is the formal document that allows the guardian to act on behalf of the person, as well as restrictions placed on the guardianship.

REPORTING REQUIREMENTS

Serving as a guardian of the person and/or the estate is a lot of work. It's important to keep thorough records so that everything done on behalf of the person is supported with receipts or other records.

There are generally three types of reporting:

1. Annual Guardian report
2. Annual Accounting and Proposed Budget
3. Plan of Care (if guardian of the person)



Reporting procedures in local courts vary from county to county. Some courts may require that you appear at a review hearing. Be sure to find out your county's specific reporting requirements.